

House Bill 774

By: Representatives Atwood of the 179th, Willard of the 51st, Williams of the 119th, Welch of the 110th, Jones of the 167th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 25 and Chapter 60 of Title 36 of the Official Code of Georgia
2 Annotated, relating to regulation of fireworks and general provisions regarding local
3 government provisions applicable to counties and municipal corporations, respectively, so
4 as to revise provisions relating to the sale, use, or explosion thereof; to revise the days, times,
5 and locations in which consumer fireworks may be lawfully used or exploded; to revise
6 places within this state where the use or explosion of consumer fireworks are prohibited; to
7 provide for exceptions; to authorize counties and municipal corporations to further regulate
8 the use or explosion of consumer fireworks; to provide for related matters; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of
13 fireworks, is amended by revising paragraph (3) of subsection (b) of Code Section 25-10-2,
14 relating to prohibited fireworks activities, as follows:

15 "(3)(A) It shall be unlawful to use fireworks, consumer fireworks, or any items defined
16 in paragraph (2) of subsection (b) of Code Section 25-10-1 indoors.

17 (B) Except as provided for in subparagraph ~~(D)~~ (C) of this paragraph and subject to
18 paragraph (4) of this subsection, it shall be lawful for any person, firm, corporation,
19 association, or partnership to use or explode or cause to be exploded any consumer
20 fireworks on any day January 1 of each year between the times of 12:00 Midnight and
21 1:00 A.M. and 10:00 A.M. until the conclusion of such calendar day and on July 3, July
22 4, and December 31 of each year between the hours times of 10:00 A.M. and 12:00
23 Midnight only; provided, however, that it shall be lawful for any person, firm,
24 corporation, association, or partnership to use or explode or cause to be exploded any
25 consumer fireworks on January 1, July 3, July 4, and December 31 of each year
26 between the hours of 12:00 Midnight and 2:00 A.M. until the conclusion of such

27 calendar day at any location where such person, firm, corporation, association, or
 28 partnership is lawfully present and lawfully permitted to use or explode or cause to be
 29 exploded consumer fireworks.

30 (C) Subject to paragraph (4) of this subsection, it shall be lawful for any person, firm,
 31 corporation, association, or partnership to use or explode or cause to be exploded any
 32 consumer fireworks anywhere in this state except:

33 (i) As provided for under subparagraph (A) of this paragraph;

34 (ii) In any location where such person, firm, corporation, association, or partnership
 35 is not lawfully present or is not otherwise lawfully permitted to use or explode or
 36 cause to be exploded any consumer fireworks; ~~or~~

37 (iii) On or over property that is owned or operated by, for, or under the custody and
 38 control of the governing authority of a county or municipal corporation, including, but
 39 not limited to, on the dates provided for under subparagraph (B) of this paragraph,
 40 unless such use or explosion is pursuant to an ordinance of a county or municipal
 41 corporation that lawfully permits such use or explosion on or over such property; or

42 (iv) Within 100 yards of a nuclear power facility or a facility engaged in the retail
 43 sale of gasoline or the production, refining, processing, or blending of gasoline for
 44 such retail purposes.

45 (D) In addition to the dates and times provided for under subparagraph (B) of this
 46 paragraph, any Any person, firm, corporation, association, or partnership may use or
 47 explode or cause to be exploded any consumer fireworks on any day and at a any time
 48 pursuant to an ordinance of the governing authority of a county or municipal
 49 corporation governing the use or explosion of consumer fireworks within the
 50 boundaries of such county or municipal corporation ~~not provided for under~~
 51 ~~subparagraph (B) of this paragraph if such person, firm, corporation, association, or~~
 52 ~~partnership is issued a special use permit pursuant to the law of a governing authority~~
 53 ~~of a county or municipal corporation for the use or explosion of consumer fireworks in~~
 54 ~~a location within such county or municipality at a time not provided for under~~
 55 ~~subparagraph (B) of this paragraph. Such county or municipal corporation may require~~
 56 ~~the issuance of a special use permit for the use or explosion of consumer fireworks~~
 57 ~~pursuant to this subparagraph. Such special use permit shall designate the time or times~~
 58 and location that such person, firm, corporation, association, or partnership may use or
 59 explode or cause to be exploded such consumer fireworks. A fee assessed by a county
 60 or municipal corporation for the issuance of a special use permit pursuant to this
 61 subparagraph shall not exceed \$100.00. No governing authority or official of a county,
 62 municipality, or other political subdivision shall bear liability for any decisions made
 63 pursuant to this Code section."

64

SECTION 2.

65 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
66 provisions regarding local government provisions applicable to counties and municipal
67 corporations, is amended by revising subsections (a) and (b) of Code Section 36-60-24,
68 relating to sale or use or explosion of consumer fireworks products, as follows:

69 "(a) The governing authority of a county or municipal corporation shall not prohibit the
70 sale or use or explosion of consumer fireworks or products or services which are lawful
71 under subsection (b) of Code Section 25-10-1, unless such prohibition is expressly
72 authorized by paragraph (3) of subsection (b) of Code Section 25-10-2 or any other general
73 law.

74 (b) If the sale of a product or service is regulated by Chapter 10 of Title 25, the governing
75 authority of a county or municipal corporation shall not enact additional regulation of the
76 sale or use or explosion of such product or service, unless such additional regulation is
77 expressly authorized by paragraph (3) of subsection (b) of Code Section 25-10-2 or any
78 other general law."

79

SECTION 3.

80 All laws and parts of laws in conflict with this Act are repealed.